

DATE: October 14, 2005

TO: Richard Josephson, Deputy Director
Department of Planning and Zoning

FROM: Valerie Peterson, Planner
Department of Planning and Zoning

SUBJECT: Special Use Permit #2005-0068
Administrative Review for Minor Amendment and change of ownership
Site Use: Restaurant
Applicant: Nova Chickens, Inc
Location: 25 South Pickett Street

On June 15, 1985, City Council approved Special Use Permit #1769 allowing a fast food restaurant (Popeye's) to locate at 25 South Pickett Street. On December 12, 1987, City Council approved Special Use Permit #1769-A to change the ownership of the restaurant to Fairfax Foods Incorporated. The current request, SUP#2005-0068, is to change the ownership of the restaurant to NOVA Chickens, Inc., and to amend the hours of operation.

On June 16, 2005, staff visited the subject property in response to a complaint, and found that the restaurant was operating beyond its approved hours. A warning ticket was issued, and this application was filed in response. The applicant requests the following change to the hours of operation:

Existing Hours

6:30 am -10:00 pm., Sun-Thurs
6:30 am -11:00 pm, Fri-Sat

Proposed Hours

8:30 am - 12 midnight, Sun-Thurs
8:30 am - 1:00 am, Fri-Sat

Because the total number of hours requested does not exceed the total hours they are already approved for, and because the closing hour is reasonable and is consistent with those of similar uses in the area, staff believes the request to be a minor amendment to the previously approved special use permit.

Staff placed announcement of the proposed changes in the local newspapers and has received no written or oral complaints. This application corrects the violation of hours found earlier this year. There have been no other recent complaints or violations reported regarding the special use permit conditions or the zoning ordinance.

Staff recommends that the special use permit for minor amendment be granted.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: October 14, 2005

Action: Approved

attachments: Application SUP #2005-0068

Staff: Valerie Peterson, Urban Planner.

CONDITIONS OF SPECIAL USE PERMIT:

1. That the permit be granted to the applicant only or to any corporation in which the applicant has a controlling interest only. (P&Z) (SUP #1769)
2. That no more than 150 seats be provided for the use of patrons. (P&Z) (SUP #1769)
3. **CONDITION AMENDED BY STAFF:** That the hours during which the business is open to the public shall be restricted to between ~~6:30 A.M.~~ 8:30 a.m. and ~~10:00 P.M.~~ 12:00 midnight, Sunday through Thursday, and from ~~6:30 A.M.~~ 8:30 a.m. to ~~11:00 P.M.~~ 1:00 a.m., Friday through Saturday. (P&Z) (~~SUP #1769~~)
4. That at least three trash containers be located in the parking area for the use of patrons. The containers shall not be permitted to overflow, and the areas around them must be kept clean. (P&Z) (SUP #1769)
5. That litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the property shall be picked up at least twice daily, and more often if necessary, to prevent an unsightly and insanitary accumulation, on each day that the business is open to the public. (P&Z) (SUP #1769)
6. That no food, beverages, or other materials be stored outside. (P&Z) (SUP #1769)
7. That trash and garbage be stored inside or in a dumpster. (P&Z) (SUP #1769)
8. That trash and garbage be collected daily or as needed when the business is open. (P&Z) (SUP #1769)
9. That any back-up of cars on public right-of-way to enter drive-in window line to result in loss of special use permit. (P&Z) (SUP #1769)
10. **CONDITION ADDED BY STAFF:** The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all SUP provisions and requirements. (P&Z)
11. **CONDITION ADDED BY STAFF:** Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm

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- sewers.(T&ES)
12. **CONDITION ADDED BY STAFF:** The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services.
(T&ES)
13. **CONDITION ADDED BY STAFF:** Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)

CITY DEPARTMENT COMMENTS

Legend: C - code requirement R - recommendation S - suggestion F - finding

Transportation & Environmental Services:

- C-1 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line.
- R-1 Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers.(T&ES)
- R-2 The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services.(T&ES)
- R-3 Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line.(T&ES)

Code Enforcement:

- C-1 A new fire prevention code permit is required for the proposed operation due to the change in ownership. An egress plan showing fixture location, aisles and exit doors shall be submitted for review with the permit application.

Health Department:

- C-1 An Alexandria Health Department Permit is required for all regulated facilities.
- C-2 Permits are not transferable.
- C-3 This facility must meet current Alexandria City Code requirements for food establishments. Contact Environmental Health at 838-4400 ext. 250 to arrange for a "change of ownership" inspection.

- C-4 If changes to the facility are to be done, five sets of plans must be submitted to and approved by this department prior to construction. Plans must comply with the Alexandria City Code, Title 11, Chapter 2, Food and Food Establishments. There is a \$135.00 fee for plans review of food facilities.
- C-5 Permits must be obtained prior to operation.
- C-6 The facility must comply with the Alexandria City Code, Title 11, Chapter 10, Smoking Prohibitions.
- C-7 Certified Food Managers must be on duty during all hours of operation.
- C-8 Restrooms, including those in common areas, serving the restaurant, are to meet Alexandria City Code, Title 11, Chapter 2 requirements.
- F-1 This facility is currently operating as Popeye's (NOVA Chicken) under Alexandria Health permit issued to NOVA Chickens, Inc.
- R-1 Provide a menu or list of foods to be handled at this facility to the Health Department prior to opening.

Police Department:

- R-1 The new applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the business.
- R-2 The new applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding a robbery awareness program for all employees.
- F-1 The Police Department has no objections to the change of ownership or amended hours.

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STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of Special Use Permit #2005-0068.

Applicant - Signature

Date

Applicant - Printed

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attachment: Conditions of Special Use Permit #2005-0068.